



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.16755 of 2022

WEB COPY

1. Ramesh
2. Jeyabalan

... Petitioners/Accused No.1&2

Vs

The State Rep. By,
The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
Crime No.226 of 2022.

... Respondent/Complainant

For Petitioners : Mr.T.Lajapathi Roy, Advocate for
M/s.Susi Kumar C, Advocate.
For Respondent : Mr.M.Muthu Manikkam,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.226 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 11.09.2022 for the offence punishable under Section 379 IPC, in Crime No.226 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners said to have illegally transported 10 units of gravel sand. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. However, he would further submit that the petitioners shall abide any condition imposed by this Court.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioners have transported Ten units of gravel sand illegally and the investigation of the case is pending.



5.Considering the facts and circumstances of the case and also considering the nature of the offence alleged and also the fact that the petitioners are in judicial custody from 11.09.2022, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Valliyur.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioners are directed to deposit a sum of **Rs.75,000/- (Seventy Five Thousand only) to the credit of Crime No.226 of 2022 before the learned Judicial Magistrate, Valliyoor,** without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(ii)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioners shall not tamper with evidence or witness;

iv)the petitioners shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/09/2022

/ TRUE COPY /

19/09/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE,
VALLIYUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE OFFICER-INCHARGE,
SUB JAIL, NANGUNERI.
4. THE INSPECTOR OF POLICE,
PAZHAVOOR POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.16755 of 2022

Date :19/09/2022

trp

USK/SBN/SAR-I/19.09.2022/3P/6C